

MISC. CIVIL APPLICATION NO. 498 OF 1992.

Date of decision: 19.12.1995.

For approval and signature

The Honourable Mr. Justice S. M. Soni

and

The Honourable Mr. Justice R. R. Jain

Mr. Y.S. Lakhani, advocate for petitioners.

Mr. R.A. Mishra and Mr. P.S. Champaneri, A.G.P. for respondents.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.M. Soni & R.R. Jain, JJ.

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December 19, 1995.

Oral judgment (Per Soni, J.)

Learned advocates for the parties are absent.

The matter pertains to non-compliance of the order of this Court (Coram: Y.B. Bhatt, J.) dated 8.4.1991. By the said order, it was directed that on application for transfer being made, the same will be decided on merits.

Alleging that the same is not decided, this application came to be filed for taking necessary action against the respondents under the Contempt of Courts Act.

As neither of the advocates except learned A.G.P. is present, it is not known whether the contempt is purged or not. When the question of transfer of the year 1991 comes in the year 1995 it can be assumed and presumed that subsequent to the filing of this petition, the order might have been complied with. In view of this fact, we would not like to exercise our jurisdiction under the Contempt of Courts Act. Hence the petition is dismissed. Rule discharged. No order as to costs.